

EXHIBIT 10

LETTER FROM AEL,
MARCELLA L. LAPE
TO

ERIC LAFAYETTE

DATED DEC. 23, 2011

FILED IN FR. CNTY. OHIO

CPC CASE NO. 11-CV-12667

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December 23, 2011

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Eric LaFayette, Esq.
Eric LaFayette & Co, LLP
415 E. Broad St., Suite 112
Columbus, Ohio 43215

RE: Lewis v. Addison Insurance Marketing, Inc. et al.

Dear Mr. LaFayette:

I write on behalf of American Equity Investment Life Holding Company and American Equity Investment Life Insurance Company (collectively, "American Equity") to once again request that you immediately dismiss *Lewis v. Addison Insurance Marketing Inc., et al.*, case No. 11CVB-10-12667, now pending in the Common Pleas Court of Franklin County, Ohio. As my colleague Chuck Smith and I informed you by telephone and letter last year, by letter on October 24, 2011, and by telephone on November 11, 2011, the Lewises' claims against American Equity were released by a prior settlement and release in *Panter v. Tackett*, Case No. 01-CI-02109 (Jefferson County, Kentucky). Moreover, pursuant to the Panter Order of Final Approval of Stipulation of Settlement and Certification of the Settlement Class, the Lewises are permanently enjoined from pursuing the released claims against American Equity. (See Final Order, at 8 (attached as Ex. A).)

As you are aware, under the current schedule, American Equity is required to answer or otherwise plead to the Lewis Complaint on or before January 10, 2011. I have left you several messages this week to determine whether you have agreed to voluntarily dismiss this action based on the Panter Settlement and Release, but have yet to receive a return call. If we do not hear back from you by December 30, 2011, with confirmation that you have dismissed this action, we will have no

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choice but to seek appropriate relief from the Court, including asking the Court for an order to show cause why you and your clients should not be held in contempt of court. We will also ask the Court for all fees and costs incurred in defending this action.

Please contact Chuck Smith at (312) 407-0516 or me at (312) 407-0954 if you have any questions. We look forward to hearing from you promptly.

Best regards,


Marcella L. Lape

Enclosures

Ex. 10